

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MITCHELL WADE HECKER,

Plaintiff,

Case No. 3:22-cv-00286-MMD-CLB

ORDER

v.

KEVIN AMICK,

Defendant.

12 Pro se Plaintiff Mitchell Wade Hecker brings this action against Defendant Kevin
13 Amick for alleged medical neglect and mistreatment. (ECF No. 1-1.) Before the Court is
14 the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L.
15 Baldwin (ECF No. 6), recommending that the Court deny Hecker’s application to proceed
16 *in forma pauperis* (“IFP Application”) as moot, and dismiss the case based on Hecker’s
17 failure to update his address. Objections to the R&R were due September 2, 2022. To
18 date, no objection has been filed. For this reason, and as explained below, the Court
19 adopts the R&R in full.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72. Advisory

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.”).

3 Because there was no objection, the Court need not conduct de novo review, and
4 is satisfied that Judge Baldwin did not clearly err. Judge Baldwin correctly found that the
5 case should be dismissed because Hecker failed to update his address, despite prior
6 notification by the Court that his case had been changed and reassigned, and Judge
7 Baldwin’s warning on July 12, 2022, that his case may be dismissed if he failed to update
8 his address by August 12, 2022. (ECF Nos. 2, 3, 4, 5.) To date, Hecker has failed to
9 change his address or otherwise respond to Judge Baldwin’s July 12, 2022, order. This
10 action cannot realistically proceed without Hecker’s participation or until and unless
11 Hecker updates his address. It is also Hecker’s responsibility to notify the Court of any
12 change in his address. See LR IA 3-1 (requiring *pro se* litigants to keep the Court apprised
13 of their address, or face dismissal). The Court will therefore adopt Judge Baldwin’s R&R
14 in full and dismiss the case without prejudice.

15 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
16 No. 6) is accepted and adopted in full.

17 It is further ordered that Hecker’s IFP Application is denied as moot. (ECF No. 1.)

18 It is further ordered that this case is dismissed without prejudice.

19 The Clerk of Court is directed to enter judgment accordingly and close this case.
20 No other documents may be filed in this now-closed case.

21 DATED THIS 6th Day of September 2022.

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23 MIRANDA M. DU
24 CHIEF UNITED STATES DISTRICT JUDGE
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